

**CHAPTER 13**  
**ORDINANCE AMENDMENT #01-2005**

Ordinance Amendment offered by Supervisors of the Planning and Zoning Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

**WHEREAS**, the Planning & Zoning Committee, having considered Petition #01-2005, (copy attached) which was filed November 10, 2005, to amend the Oneida County Private Onsite Wastewater Treatment System Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon November 30, 2005, and having been informed of the facts pertinent to the changes which are as follows:

**WHEREAS**, the Planning & Zoning Committee has the ongoing responsibilities to administer all provisions of Chapter 13 of the General Code of Oneida County pertaining to Private Onsite Wastewater Treatment Systems (POWTS) generally referred to as private septic systems; and

**WHEREAS**, the Planning & Zoning Committee desire existing POWTS to be inspected during real estate transfers in order to determine if they are failing pursuant to Wisconsin Statutes 145.245(4); and

**WHEREAS**, existing POWTS inspections will ensure protection of Oneida County surface and groundwater resources; and

**WHEREAS**, the Wisconsin Department of Commerce allows a holding tank as a system of choice as preferred by the landowner; and

**WHEREAS**, The Department has received numerous requests for holding tanks for seasonal hunting cabins and cottages; and

**WHEREAS**, the Planning & Zoning Committee wishes holding tanks to be a POWTS option for homeowners and commercial operations; and

**WHEREAS**, the Planning & Zoning Committee held a public hearing and the public in attendance was in support of proposed changes. No one appeared in opposition to the changes:

**SUBCHAPTER 1**

**INTRODUCTION**

**13.10 STATUTORY AUTHORITY.**

This ordinance is adopted pursuant to the authorization in §59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245 Wisconsin Statutes and Comm 82 through 87 ~~85~~ Wisconsin Administrative Code.

45 13.11 PURPOSE

46  
47 This ordinance is adopted to promote and protect public health and safety by assuring  
48 the proper siting, design, installation, inspection and management of private sewage  
49 systems and non-plumbing sanitation systems.  
50

51 In order to achieve these purposes, it is the intent of this ordinance to include, but not be  
52 limited to, the following methods and strategies:

- 53 (1) Develop a sanitary permit program that continues to ensure public health, safety  
54 and welfare to the residents and visitors of Oneida County.  
55 (2) Limit the use of holding tanks to protect surface water and groundwater  
56 resources.  
57 (3) Maintain and improve the inspection and enforcement process for new system  
58 installation.  
59 (4) Improve the maintenance and tracking program for systems previously installed  
60 as well as new systems installed each successive year.  
61 (5) Allow municipal ownership of a private sewage system servicing multiple  
62 structures on different parcels.  
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64 13.12 FINDINGS OF FACT

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66 Oneida County has over 1,127 lakes and other water bodies within its boundaries. It has  
67 a large amount of vacation properties that are used on an intermittent basis.  
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69 The land area of Oneida County includes 791,347 acres and 68,096 acres of surface  
70 water. The soil in Oneida County is predominately sandy or loamy, which has moderate  
71 to very rapid permeability, but poor treatment capabilities. (Soil Survey, Oneida County,  
72 Wisconsin, February 1993.)  
73

74 Water supplies in Oneida County are predominately drawn from sand and gravel  
75 aquifers, which are replenished from precipitation and drainage. Water seeping from  
76 private sewage systems help fill these same aquifers that property owners and visitors  
77 use for drinking water supplies. (Soil Survey, Oneida County, Wisconsin, February,  
78 1993).  
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80 13.13 SEVERABILITY AND LIABILITY.

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82 Should any section, clause, provision or portion of this ordinance be adjudged  
83 unconstitutional or invalid by a court of competent jurisdiction, the remainder of this  
84 ordinance shall not be affected thereby.  
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86 This ordinance shall not create a liability on the part of or a cause of action against the  
87 County or any employee thereof for any private sewage system or non-plumbing  
88 sanitation system which may not function as designed. There shall be no liability or  
89 warranty for any site which is approved or denied. The issuance of a sanitary permit and  
90 the final inspection of such a system does not warrant the system's function, nor is there  
91 a guarantee that the system is free of defects or that all aspects of the system comply to  
92 Wisconsin Statute or Administrative Code requirements.  
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94 13.14 INTERPRETATIONS.

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The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

#### 13.15 DEFINITIONS.

The following terms shall have the meanings indicated in this section.

Buildings. See Structure.

Conventional In-Ground Sewage System. A private sewage system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.

County Sanitary Permit. A permit issued by the Department for the reconnection of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to §59.70 and 145.04, Wisconsin Statutes.

Department. The Oneida County Planning & Zoning Department.

Failing Non-Plumbing Sanitation Systems.

- (a) The discharge of sewage into surface water or groundwater.
- (b) The introduction of sewage into zones of saturation which adversely affects the operation of the non-plumbing system.
- (c) The discharge of sewage to a drain tile or into zones of bedrock.
- (d) The discharge of sewage to the surface of the ground.

Failing Private Sewage System. "Failing private sewage system" has the following meanings:

- (1) Those specified under §145.245(4), Wisconsin Statutes.
- (2) A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.
- (3) A POWTS system installed after December 1, 1969 that has less than 36" of vertical separation between the infiltrative surface of a POWTS and high groundwater, or bedrock pursuant to Wisconsin Administrative Code Comm 83.32(2)(b).

Holding Tank. A water tight receptacle for the collection and holding of wastewater.

Human Habitation. The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

Issuing Agent. The County Planning & Zoning Department shall act as the County Issuing Agent and is hereby assigned the duties of administering the Private Sewage System Program.

Large Onsite Sewage Systems. An onsite sewage system with a subsurface discharge that is designed to treat wastewater from residential buildings that contain the equivalent

of more than 85 bedrooms. For those systems with a subsurface discharge that treat wastewater from other types of occupancies (non-residential), a large onsite sewage system means a system with a daily effluent application rate of greater than 8,000 gallons per day (gpd). The design wastewater flow for these systems is 150% of the daily effluent application – (12,000 gpd).

Modification of Wastewater Flow or Contaminant Load. A modification in wastewater flow or contaminant load shall be considered to occur:

In public buildings, facilities or places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and

In dwellings, when there is an increase or decrease in the number of bedrooms ~~or from any addition, alteration or remodeling, that exceeds 25% of the total gross area of the existing dwelling unit. Modified wastewater load in dwellings does not result from construction of decks, patios, garages, porches, re-roofing, painting, wiring, residing, window replacements or replacement of equipment or appliances.~~

Non-plumbing Sanitation System. Sanitation systems and devices within the scope of Comm 91, Wisconsin Administrative Code, which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited to, incinerating toilets, composting toilets and privies.

Occupancy. Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

Plumber. A person licensed by the State as a Master Plumber or Master Plumber-Restricted Service.

POWTS. A Private Onsite Wastewater Treatment System and also referred to as Private Sewage System.

Portable Restroom. A self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to contain human excrement.

Private Sewage System. Also referred to as a “Private Onsite Wastewater Treatment System” or “POWTS”, has the meaning given under s. 145.01(12), Wisconsin Statutes.

Privy. An enclosed nonportable toilet into which nonwater-carried human wastes are deposited.

Privy-Pit. A privy with a subsurface storage chamber which is not watertight.

Privy-Vault. A privy with a subsurface storage chamber that is watertight.

Rebuilt. The construction which takes place after a structure is demolished or damaged to the extent of fifty percent (50%) of its current equalized assessed value.

Sanitary Permit. The term “sanitary permit”, as used in this ordinance shall mean a

County Sanitary Permit, a State Sanitary Permit or both.

Septic Tank. An anaerobic treatment tank.

Shoreland-Wetland. A wetland of 5 acres or more on the Wisconsin Wetland Inventory Map within 1,000' of the ordinary highwater mark of navigable waters of a wetland less than 5 acres but are located in whole or in part within 200' of a navigable lake or stream.

Soil and Site Evaluation Application. An application submitted for the purpose of requesting County verification of a Soil and Site Evaluation Report.

State. The Wisconsin Department of Commerce.

State Sanitary Permit. A permit issued by the Department or the Department of Commerce for the installation or modification of a private sewage system, pursuant to §145.135 and 145.19, Wisconsin Statutes.

~~Structure. Anything constructed or erected, the use of which requires a permanent or temporary location on the ground, streambed or lakebed, or attached to something having a permanent or temporary location on the ground, streambed or lakebed, including but not limited to any building, dwelling, manufactured building, manufactured home, mobile home, house trailer, recreational vehicle, boathouse, boat shelter, sign, deck, satellite dish, patios, driveways, fences, retaining walls, tree rings constructed of blocks or bricks, or other improvements or any part of such structure. A structure includes any permanent or temporary appurtenance attached thereto, including but not limited to awnings and signs.~~

Anything for support, shelter, or enclosure of persons on property, including but not limited to any building, dwelling, manufactured building, manufactured home, mobile homes, house trailer, recreational vehicle, boathouse, or deck.

## **SUBCHAPTER 2**

### **GENERAL REQUIREMENTS**

#### **13.20 COMPLIANCE.**

- (1) All structures or premises in the County that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this ordinance.
- (2) The private sewage system or non-plumbing sanitation system for newly constructed structures or structures requiring a Reconnection Permit shall be installed, inspected, and approved before the structure may be occupied.

#### **13.21 INCORPORATION OF PROVISIONS BY REFERENCE.**

This ordinance incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction, and use of private sewage systems: §59.70(5), Chs. 145, 281.48, 283.31 and 968.10, Wisconsin Statutes; Chs. Comm 52.63, Comm 5, Comm 81, Comm 82, Comm 83, Comm 84, Comm 85, Comm 87, Comm 91, NR 113, NR 116 and NR 206 Wisconsin Administrative Code. These rules, regulations, and laws shall apply until

amended or renumbered and then shall apply as amended or renumbered.

### 13.22 APPLICABILITY.

The requirements of this ordinance shall apply to all geographic areas of Oneida County.

### 13.23 LIMITATIONS

- (1) All domestic wastewater shall enter a private sewage system unless otherwise exempted by the State or this ordinance.
- (2) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not provided with an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided
- (3) Any private sewage system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code, and the Oneida County Floodplain Zoning Ordinance, Chapter 20 of the General Code of Ordinances for Oneida County.
- ~~(4) Installation of a holding tank is prohibited if any of the following may be utilized:~~
  - ~~a) Conventional/In-ground Soil Absorption systems, as recognized by Comm 83.61(4), Wisconsin Administrative Code.~~
  - ~~b) At-grade, as recognized by Comm 83.61(2), Wisconsin Administrative Code.~~
  - ~~c) Mound system, as recognized by Comm 83.61(3), Wisconsin Administrative Code.~~

~~A sanitary permit for the installation of a holding tank, or which designates a holding tank as a replacement system, shall not be issued unless a Soil and Site Evaluation determines that the property is unsuitable for any system under subparagraph (a), (b) or (c) above, except as provided in (d), and (e), and (f).~~

  - ~~d) A temporary holding tank may be installed if a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within 2 years of the date of sanitary permit issuance. In addition to items required in §13.31(2), an application for a sanitary permit to install a temporary holding tank shall include written statements from:~~
    - ~~1. The municipality or sanitary district, verifying the date that public sewer will be installed and available to serve the property;~~
    - ~~2. The Department of Natural Resources, verifying approval of the public sewer; and~~
    - ~~3. The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.~~

~~If public sewer does not become available within 2 years of the date of sanitary permit issuance, the holding tank must be replaced with another type of system recognized by Comm 83, Wisconsin Administrative Code.~~

  - ~~e) A holding tank may be installed as a system of choice if the owner of the holding tank is a governmental entity or agency such as a county, county utility district, town, town sanitary district, public inland lake protection and rehabilitation district or school district.~~

~~(4)(5)~~(a) When a failing private sewage system or non-plumbing sanitation system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by Department order.

(b) Unlawfully modified private sewage systems, a private sewage system that has sewage by-passed or a holding tank which is discharging untreated or partially treated sewage to the ground, ground surface or surface waters, may be ordered by the Department to be corrected or replaced with a code compliant system.

#### 13.24 DELAYED IMPLEMENTATION

(1) Delayed Implementation.

(A) The issuance of sanitary permits for the construction or use of POWTS designs that utilize a method or technology that is added to the list under Comm 83.61 after July 1, 2000 shall be prohibited for not more than 6 months, pursuant to Wisconsin Administrative Code Comm ~~83.04(3)(a)~~ 83.04(2)(a) & (b).

~~(B)~~ (1) These subsections shall be limited to permits intended to serve new development.

(2) For the purpose of this subsection, a new development shall be considered a property without an existing habitable building.

#### 13.25 PROHIBITION

(1) The issuance of a sanitary permits for the construction or use of POWTS designs that utilize one or more of the following technologies, designs or methods below shall be prohibited pursuant to Wisconsin Administrative Code Comm 83.32(2)(a):

(a) An evapotranspiration bed as a POWTS treatment component.

(2) No large onsite sewage system shall be installed or operated in Oneida County. This prohibition shall not apply to:

(a) Any large onsite sewage system for which a Water Pollution Discharge Elimination System (WPDES) permit has been issued by the Wisconsin Department Natural Resources (WDNR) pursuant to Wisconsin Statutes Section 283.31

Any large-scale onsite sewage system shall be subject to ongoing maintenance and operating strategies required by the WDNR including periodic permit review and renewal. Failure of the owner of a large onsite sewage system to have a valid WPDES permit or renewal thereof from the WDNR, shall constitute violation of this ordinance and be subject to penalties specified in 13.63(2) a basis for the County's suspension of the systems sanitary permit pursuant to 13.32(6) until such time as the owner demonstrates that a valid WPDES permit has been again issued by the WDNR.

~~(3) (a) The issuance of sanitary permits for the construction of a holding~~

351 ~~tank for new development shall be prohibited for lots of less than 5 acres~~  
352 ~~created after the effective date of this Ordinance.~~

353 ~~(b) The use of holding tanks shall not be utilized for the development~~  
354 ~~of subdivisions of property of less than 5 acres created after this effective~~  
355 ~~date of this Ordinance.~~

356 ~~(c) For the purpose of this subsection, a new development shall be~~  
357 ~~considered a property without an existing habitable building.~~

358 (4)(3) Pursuant to Wisconsin Administrative Code Comm 83.32(2)(c) the  
359 issuance of sanitary permits shall be prohibited for POWTS that service  
360 two (2) or more structures or buildings that are located on more than one  
361 property. This prohibition shall not apply to a POWTS that has a design  
362 flow of 3,000 gallons per day or less, or POWTS that have a design flow  
363 of greater than 3,000 gallons per day and are owned by a governmental  
364 entity or agency such as a Sanitary District, Utility District, or Special  
365 Purpose District.  
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### 367 13.26 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS

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- 369 (1) When public sewers approved by the Department of Natural Resources become  
370 available to the structure or premises served, the private sewage system shall be  
371 disconnected within one year and a connection made to the public sewer.  
372 Determination of whether sewer is available shall be made by the local sewer  
373 service entity.  
374

375 Abandonment of the disconnected private sewage system shall be done in  
376 accordance with the provisions of Comm 83, Wisconsin Administrative Code.  
377

- 378 (2) The components of an existing private sewage system that are not part of the  
379 approved design of a replacement system shall be abandoned per Comm 83,  
380 Wisconsin Administrative Code at the time of the installation of the replacement  
381 system by the plumber installing the system.  
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### 383 13.27 NON-PLUMBING SANITARY SYSTEMS

- 384
- 385 (1) Non-plumbing sanitary systems shall comply with the minimum requirements of  
386 Wisconsin Administrative Code Comm 91 unless this ordinance is more  
387 restrictive.
- 388 (2) Privies shall be sturdily constructed and maintained in a clean and healthful  
389 condition.
- 390 (3) Privies shall be located at the minimum horizontal distance of:
- 391 (a) 25 feet from dwellings.
- 392 (b) 10 feet from lot line.
- 393 (c) 25 feet from a slope 15% or greater.
- 394 (d) 50 feet from any well.
- 395 (e) 75' from the Ordinary High Water Mark of a lake or stream.
- 396 (f) 25' from a shoreland/wetland.  
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## 398 **SUBCHAPTER 3**

## 399 **PERMITS AND APPLICATIONS**

### 400 13.30 SOIL AND SITE EVALUATION.

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- (1) Soil and site evaluations shall be done prior to the issuance of sanitary permits as specified in Comm 83, Comm 85 and Comm 91, Wisconsin Administrative Code.
  - (2) Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place. This is best accomplished by the excavation of backhoe pits or other methods approved by the Department.
  - (3) Department verification of a Soil and Site Evaluation Report may be necessary to determine the suitability of a lot for a private sewage system. This verification will be made at the discretion of the Issuing Agent and will be made prior to the issuance of the sanitary permit. Department verification shall be required on all sites that have less than 12 (twelve) inches of in-situ soil, suitable for the treatment and disposal of effluent, unless specifically waived by the Issuing Agent. This verification will result in one of the following:
    - (a) Issuance of the permit, provided all information on the application is correct and complete.
    - (b) Establishment of a file indicating site suitability.
    - (c) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.
    - (d) Denial of the permit if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes.
  - (4) A certified soil tester may request Department verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. Application for this verification shall include all information required in §13.31(2)(a)(1-6) on forms provided by the Department, the original copy of the Soil and Site Evaluation Report and as many copies as are required by the Department. The Department reserves the right to refuse verification of a Soil and Site Evaluation report in accordance with Comm 85.30(5).

431 **13.31 SANITARY PERMIT APPLICATIONS.**

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- (1) General
    - (a) Every private sewage system shall require a separate application and sanitary permit.
    - (b) A Sanitary Permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, prior to the installation, establishment or construction of any structure which requires a private sewage system or non-plumbing sanitation system. Any property owner, his agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and may be subject to the penalties provided in this ordinance.
    - (c) A Sanitary Permit shall be obtained by the property owner, his agent or contractor, before any private sewage system or part thereof may be installed, replaced, reconnected or modified. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles or pumps.
    - (d) A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.
    - (e) A County Sanitary Permit shall be required for soil remediation or renovation processes such as physical (i.e. Terralift) or chemical (i.e. Porox). A County Sanitary Permit is not required for soil remediation or

- 453 renovation processes if the POWTS was installed after January 1, 1980.  
454 (f) If any part of a private sewage system has failed or requires replacement  
455 or modification, the entire system shall be evaluated for compliance with  
456 existing codes that existed at the time of installation prior to sanitary  
457 permit issuance. This shall include a soil and site evaluation for those  
458 components that utilize in situ soil for treatment or dispersal, unless a  
459 valid report is already on file with the Department.  
460

461 If any part of the system is found to be defective or not in conformance with the  
462 applicable provisions of this ordinance, the sanitary permit application shall  
463 include specifications for the repair, renovation, replacement or removal of that  
464 part.  
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466 (2) Application Requirements

- 467 (A) A sanitary permit application shall include the following information which  
468 shall be furnished by the applicant on forms required by the State and/or  
469 the Department along with all applicable fees:

- 470 (1) Names and addresses of the applicant (owner of the site) and the  
471 plumber employed (when applicable).  
472 (2) Legal description of the subject site and the parcel identification  
473 number.  
474 (3) All lot dimensions.  
475 (4) Driving directions to the site.  
476 (5) Building use (single family, duplex, etc.).  
477 (6) Soil and Site Evaluation report.  
478 (7) System plans (see §13.31(3)(a-f)).  
479 (8) Appropriate agreements and contracts for system management  
480 and maintenance.  
481 ~~(9) Verification that any existing private sewage systems on the same~~  
482 ~~parcel of land are not failing private sewage systems.~~  
483 ~~(10)~~(9) Copies of any documents required in §13.31(2)(D)(1-5) and  
484 verification that they have been recorded.  
485 ~~(11)~~(10) Any other information required by the Department, including  
486 verification of compliance with §13.61(11) of this ordinance.

- 487 (B) When any official State action is required prior to the issuance of a  
488 sanitary permit, an original copy of the official action shall accompany the  
489 application.

- 490 (C) Pit privy permit applications shall be accompanied by soil data provided  
491 by a Certified Soil Tester to determine compliance with Comm 91,  
492 Wisconsin Administrative Code.

- 493 (D) The following documents must be recorded with the Oneida County  
494 Register of Deeds prior to sanitary permit issuance:

- 495 (1) Maintenance requirements ~~agreements or contracts~~, if recording is  
496 required by Comm 83, Wisconsin Administrative Code, or §13.52  
497 of this ordinance.  
498 (2) If a private sewage system, or parts thereof, are located on a  
499 different parcel than the structure served an appropriate  
500 easement, Quit Claim Deed or Certified Survey map combining  
501 the parcels must be recorded.  
502 (3) If a private sewage system serves more than one structure under  
503 different ownership, a document identifying all parties that have

ownership rights and are responsible for the operation and maintenance must be recorded.

(4) If a private sewage system is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system, and the party responsible for operation and maintenance must be recorded.

(5) If the design wastewater flow of a private sewage system for a dwelling is not based upon the number of bedrooms within the dwelling, a deed restriction specifying maximum wastewater flow must be recorded.

(E) The Department reserves the right to require Floodplain and/or Wetland delineation for a building site or proposed private sewage system area prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum.

(F) The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

(3) Plans

System plans shall be submitted for approval to the Department or to the State in accordance with Comm 83, Wisconsin Administrative Code. Plans shall comply with the requirements of Comm 83, Wisconsin Administrative Code, and this ordinance.

(A) Plans submitted to the Department shall include the original and as many copies as are required by the Department.

(B) If plans are reviewed and approved by the State, at least one set of the plans submitted to the Department shall bear an original State approval stamp or seal.

(C) Plans submitted shall be clear, legible and permanent copies.

(D) Plans submitted shall comply with Comm 83, Wisconsin Administrative Code, and include the following:

(1) The name of the property owner and the legal description of the site, including parcel Identification number;

(2) Estimated daily wastewater flow and design wastewater flow.

(3) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8½ inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: private sewage system components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to insure that the horizontal setback parameters in Comm 83.43, Wisconsin Administrative Code, are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.

(4) Details and configuration layouts depicting how the system is to be constructed.

(5) A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired. ~~If a holding tank is the proposed contingency plan, it must meet the~~

555 ~~requirements of §13.23(4).~~

556 (6) Sufficient supporting information to determine whether the  
557 proposed design, installation and management of the proposed  
558 private sewage system or modification to an existing system  
559 complies with this ordinance.

560 (E) Plans shall be signed or sealed as specified in Comm 83, Wisconsin  
561 Administrative Code.

562 (F) A copy of the approved plans shall be maintained at the construction site  
563 until the private sewage system installation is completed, inspected and  
564 accepted. The plans shall be made available to the Department or the  
565 State upon request.

566 (G) A modification to the design of a private sewage system which has been  
567 previously approved shall be submitted to the Department or the State as  
568 specified in Comm 83, Wisconsin Administrative Code. Plan revisions  
569 must be approved prior to system installation. A fee may be charged  
570 when submitting revised plans, see §13.37.  
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572 13.32 SANITARY PERMIT, GENERAL

573  
574 APPROVAL & CONDITIONS

575  
576 (1) Conditional Approval.

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578 When applicable provisions of Wisconsin Statutes, Wisconsin Administrative  
579 Code and this Ordinance have been complied with when applying for a sanitary  
580 permit, the permit shall be approved. Conditions may be attached to the permit  
581 application to provide clarifications.  
582

583 The permit shall only be valid for an installation that completely complies with  
584 Wisconsin Statutes, Wisconsin Administrative Code and this Ordinance. Failure  
585 to denote an error and/or correction on the permit application does not lessen the  
586 requirements upon the applicant from installing a system and/or component that  
587 meets the Wisconsin Statutes, Wisconsin Administrative Code and this  
588 Ordinance.

589 (2) Permit Cards.

590 (a) The permit card issued by the Issuing Agent to the property owner or his  
591 agent shall serve as the sanitary permit.

592 (b) The permit card shall contain all the information required by §145.135,  
593 Wisconsin Statutes.

594 (c) The permit card shall be displayed at the site in such a manner that it will  
595 be visible from a road abutting the lot during all construction phases.

596 (d) The permit card may not be removed until the private sewage system has  
597 been installed, inspected, and approved by the Issuing Agent.

598 (e) Failure to display the permit card shall be considered a violation of this  
599 section and may subject the property owner, his agent or contractor, to  
600 penalty provisions of this ordinance.

601 (3) Permit Expiration.

602 (a) A sanitary permit for a private sewage system or non-plumbing sanitation  
603 system which has not been installed, modified or reconnected and  
604 approved shall expire two years after the date of issuance. Permits may  
605 be renewed following written application to the Department by the

- property owner, his agent or contractor, prior to the expiration date of the original permit.
- (b) There shall be a fee for the renewal of a sanitary permit. (See §13.37.)
  - (c) The renewal shall be based on ordinance requirements in force at the time of renewal.
  - (d) Changed ordinance requirements may impede the renewal.
  - (e) The property owner, his agent or contractor, shall return the original permit card and receive a new card when the permit is renewed.
  - (f) All sanitary permits issued prior to the effective date of this ordinance shall expire two years from the date of issuance unless renewed.
  - (g) A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction if a sanitary permit has expired.
- (4) Transfer of Ownership.  
Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:
- (a) The applicable State Sanitary Permit transfer form shall be submitted to the Department.
  - (b) The sanitary permit card shall be returned to the Department so that a new permit card may be issued.
  - (c) Transfer of ownership shall not affect the expiration date or renewal requirements. There shall be a fee for transfer of ownership (see 13.37).
- (5) Change of Plumbers.
- (a) When an owner wishes to change plumbers, it will be necessary for him to furnish the Department with the applicable transfer form signed by the new plumber.
  - ~~(b) The transfer of sanitary permits shall take place prior to the installation of the private sewage system.~~
  - ~~(c)(b)~~ Sanitary permits for sSystem plans requiring State plan approval shall not be transferred to a different plumber unless the plan bears the stamp of an architect or engineer, plumbing designer, or a State level approval is obtained by the new plumber.
  - ~~(d)(c)~~ There shall be a fee for change of plumbers. (See § 13.37).
- (6) Permit Denial.  
When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code or this Ordinance have not been complied with when applying for a sanitary permit, the permit shall be denied. The issuing agent shall issue written notice to the owner and the plumber whose sanitary permit application is denied. Each notice shall:
- (a) State the specific reason for disapproval or amendments to the application, if any, which would render the application approval.
  - (b) Inform the applicant of the right to appeal and the procedures for conducting an appeal under the provision of §68.10, Wisconsin Statutes, and Chapter 17 of the General Code. The Oneida County Board of Adjustment shall conduct the appeal.

### 13.33 SANITARY PERMIT, SPECIFIC REQUIREMENTS FOR APPROVAL

- (1) POWTS with portions crossing Town Roads.

When portions of private sewage systems are proposed to cross Town Roads and/or encroach in a Town Road right-of-way, permission shall be obtained by

the Town Board of that Town through an approved motion granting permission to cross the road at a Town Board meeting and/or through an easement granted by the Town Board. Certified copies of the minutes and/or the original easement shall be submitted with the sanitary permit application.

- (2) POWTS with portions crossing Private Roads.

When portions of a private sewage system cross Private Roads owned fully or partially by others, permission shall be obtained through an easement.

- (3) POWTS ~~and Holding Tanks~~ utilizing 12 inches or less of in situ soil.

Prior to submitting state plan approval for POWTS utilizing less than 12 inches of soil, a county soil and site evaluation shall be performed unless specifically waived by the Issuing Agent. A request for verification shall be made to the Department. The applicant shall provide all necessary equipment to perform such evaluation.

- (4) Multiple Soil/Site Evaluations for same parcel.

When more than one soil/site has been performed on a parcel, a county soil and site evaluation shall be performed. A request for verification shall be made to the Department. The applicant shall provide all necessary equipment to perform such evaluation. The Department may waive such verification provided the site/soil evaluations show similar findings.

- (5) Systems servicing more than one structure on different parcels.

When a POWTS system is to serve two (2) or more structures or buildings that are located on more than one property with a design flow of more than 3,000 gallons a day of design flow (actual x 150%), the system is required to be owned by a governmental entity or agency. Documentation is required to be recorded pursuant to 13.31(2)(d)(3)&(4).

- (6) Administrative Code Variance Applications.

When petitioning the State for any Administrative Code Variance, a copy of the request shall be submitted by the petitioner to the Department. Additional documents shall provide background information, the options considered and the reasons why the options could not be used with strict adherence to the Administrative Code. The Department may request that other options be explored to eliminate the need for a variance. The Department shall be allowed to comment of the petition for variance.

- (7) Pre-treatment components such as, but not limited to, Aerobic Treatment Units, Sand Filters, Re-Circulating Sand Filters, Gravel Filters, and Peat Filters.

Prior to approval of a POWTS pre-treatment unit, a detailed management plan shall be submitted to the Department. This management plan shall provide a list of all replacement equipment, the location as to where the replacement equipment can be obtained, a list of approved maintainers (which includes full

names, addresses, companies name, corresponding phone numbers), the corporate name, address and phone numbers of the equipment manufacturer.

Also prior to approval of a POWTS pre-treatment unit, a meeting shall take place between the Department, the installer and the property owner to ensure the installer and property owner are aware of the necessary site and maintenance requirements. The owner shall recognize that these systems require additional operational maintenance resulting in additional operational expenses.

A pre-construction meeting may be required at the site prior to installation of the pre-treatment component at the discretion of the Department. During this meeting, an overview of the work schedule shall be outlined with Department staff and applicant. ~~staff~~. Appropriate notices shall be made by the installer to ensure Department staff is in attendance.

(8) Experimental Systems and Other Systems not recognized by Comm 83.61.

Prior to application for State experimental plan approval the applicant shall request a meeting with Department staff. During this meeting, information shall be presented to the Department which are detailed in Comm 83.27. A comment period of no less than 30 days after the meeting shall be required by the Department prior to the applicant submitting the application to the State. Additional time may be requested by the Department.

The applicant shall provide a detailed contingency plan, outlining the steps that will be taken upon failure of the experimental system. Further, the Department may require surety bonds to insure that if the experimental system fails, necessary funds are available to restore the site and/or to promote the health and general welfare of residents and visitors of Oneida County.

The Department may require additional assurances from the applicant that the experiment will have no deleterious effects upon surface and groundwater. Examples of these assurances include requiring periodic Department inspections, regular-interval results examining the short-term and long-term effects at the site, applicant inspections at pre-determined intervals as well as any other similar requirement ensuring health and resource protection.

Also prior to approval of a POWTS Treatment Unit, a detailed management plan shall be submitted to the Department. This management plan shall provide a lists of all replacement equipment, the location as to where the replacement equipment can be obtained, a minimum list of approved maintainers (which includes full names, addresses, companies name, and corresponding phone numbers), the corporate name, address and phone numbers of the equipment manufacturer.

Also prior to approval of Experimental and Other Systems not recognized by Comm 83.61, a meeting shall take place between the Department, the installer and the property owner to ensure the installer and property owner are aware of the necessary site and maintenance requirements. The owner shall recognize that these systems may require additional operational maintenance resulting in additional operational expenses.

759  
760 13.34 RECONNECTION.  
761

- 762 (1) A County reconnection permit shall be obtained prior to:  
763 (a) Construction of a structure to be connected to an existing private sewage  
764 system;  
765 (b) Disconnection of a structure from an existing private sewage system and  
766 connection of another structure to the system, except as permitted in  
767 §13.34(4); or  
768 (c) Rebuilding a structure that is connected to a private sewage system.  
769 (2) Prior to issuing a reconnection permit, the existing private sewage system shall  
770 be examined to:  
771 (a) Determine if it is functioning properly and whether it is a failing system.  
772 (b) Determine if it will be capable of handling the proposed wastewater flow  
773 and contaminant load from the building to be served.  
774 (c) Determine that all minimum setback requirements of Comm 83,  
775 Wisconsin Administrative Code, will be maintained.  
776 (3) Application for a County reconnection permit shall include the following:  
777 (a) All items in §13.31(2)(a)(1-5) and §13.31(2)(a)(9-11);  
778 (b) For all systems that utilize in situ soil for treatment or  
779 disposal, a Soil and Site Evaluation report verifying that the vertical  
780 separation distance between the infiltrative surface of the existing  
781 treatment or dispersal component and estimated high groundwater  
782 elevation and/or bedrock complies with Comm 83, Wisconsin  
783 Administrative Code, unless a valid report meeting these criteria is on file  
784 with the department;  
785 (c) A report provided by a licensed plumber, certified septage servicing  
786 operator or a POWTS inspector relative to the condition, capacities,  
787 baffles and manhole covers for any existing treatment or holding tanks;  
788 (d) A report provided by a licensed plumber or POWTS inspector relative to  
789 the condition and capacities of all other system components and verifying  
790 that the system is not a failing system;  
791 (e) A plot plan prepared by a plumber including information specified in  
792 §13.31(3)(d)(3); and  
793 (f) A state sanitary permit ~~Complete plans, as specified in §13.31(3),~~ for any  
794 system components which will be modified or replaced.  
795 (g) Reconnection to existing holding tanks may require a new servicing  
796 contract and an updated holding tank agreement which meets the  
797 requirements of this ordinance.  
798 (h) Reconnection to an existing system other than a holding tank may require  
799 a new maintenance agreement or contract.  
800 (4) Replacing a structure with a new or different structure within two years of the  
801 date of permit issuance will only require a statement that the system has not  
802 been altered, a statement that a modification in wastewater flow or contaminant  
803 load will not occur, a plot plan that documents all setbacks between the structure  
804 and system components and a re-inspection fee.  
805 ~~(5) When reconnection to an undersized system is permitted by Comm 83 and 84,~~  
806 ~~Wisconsin Administrative Code, an affidavit for the use of the undersized system~~  
807 ~~must be recorded in the Register of Deeds office.~~  
808 (56) All systems shall be inspected at the time of reconnection, prior to backfilling, to  
809 insure that proper materials and methods are being used.



- (67) Pre-construction site meetings may be required for all technologies and installations as deemed necessary by the Department. Specific technologies shall require pre-construction site meetings.

### 13.35 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.

Construction that is considered to be a modification of wastewater flow or contaminant load is defined in ~~§13.15~~ Comm 83.25(2)(c)(2)a. & b., Wisconsin Administrative Code.

Prior to commencing the construction of an addition to or modification of a structure which will:

- (1) Affect the wastewater flow and/or contaminant load to an existing private sewage system, or: the owner(s) of the property shall:
- (2) Involves any addition, alteration or remodeling, that exceeds 25% of the total gross area of the exiting dwelling unit not including construction of decks, patios, garages, porches, re-roofing, painting, wiring, residing, window replacements, or replacement of equipment or appliance, the owners of the property shall:
  - (a4) Possess a sanitary permit to construct a new private sewage system or modify an existing private sewage system to accommodate the modification in wastewater flow or contaminant load; or
  - (b2) Provide the following to the Department:
    - (1a) Documentation that a Private Sewage System of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in Comm 83, Wisconsin Administrative Code;
    - (2b) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing private sewage system components; and
    - (3e) Documentation specified in §13.34(3)(b)(c)&(d).
- ~~(3) If the existing private sewage system is found to be undersized, construction of the building addition or modification shall be allowed only if permitted by Comm 83 and Comm 84, Wisconsin Administrative Code, and an affidavit for the use of the undersized system is recorded in the Register of Deeds Office.~~
- (34) Any installation, addition or modification of a system must be completed and accepted before the addition or modified area of the structure may be occupied.

### 13.36 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Prior to commencing construction of any structure or addition to a structure on a site where there exists a private sewage system the owner or his agent shall determine that the proposed structure conforms with applicable setback limitations of Comm 83, Wisconsin Administrative Code. Documentation shall be submitted as required in Comm 83, Wisconsin Administrative Code.

### 13.37 PERMIT FEES.

- (1) The applicant upon filing his application shall pay a fee in accordance with the fee schedule adopted by the County Board.
- (2) State sanitary permits for public buildings.
- (3) State sanitary permits for non-public buildings.

- (4) County sanitary permits.
- (a) Non-plumbing sanitation system.
  - (b) Soil remediation or renovation processes
  - (c) Reconnection permit (not requiring replacement, addition or modification of system components).
  - ~~(d) Reconnection permit (requiring replacement, addition or modification of system components).~~
- (5) Other Fees.
- (a) Renewal of sanitary permits.
  - (b) Plumber transfer.
  - (c) Owner transfer.
  - (d) Re-inspection and additional inspection.
  - (e) Revision.
    - (1) A fee may be charged for any plan revision which is not submitted and approved by the department before inspection of the system has commenced. Revisions received after 30 days of system installation shall automatically be charged a revision fee.
    - (2) If a plan revision results in a change to a system type or site for which a higher sanitary permit or plan is required, the difference between the fee already paid and the fee for the system installed will be charged.
  - (f) Soil saturation determination.
  - (g) Wisconsin Fund Application.
  - (h) Monitoring and management tracking.
  - (i) Soil and Site Evaluation Filing.
- (6) Refunds
- After the sanitary permit has been reviewed and/or issued, the fees shall not be refunded.
- (7) New fees.
- The balance of the new fee shall be paid before the sanitary permit may be issued for any soil test or incomplete applications on file on the date the new fees become effective.
- (8) After-the-fact permit fees.
- A triple fee will be charged for all after-the-fact permit applications to partially recover the cost of obtaining compliance.

#### **SUBCHAPTER 4**

#### **INSPECTIONS**

##### **13.40 INSPECTIONS: GENERAL.**

- (1) Notice for final inspection shall be given to the Zoning Department for all private sewage systems installed, modified or reconnected.
- (2) These private sewage systems shall be inspected by the Department for compliance with Comm 82, Comm 83, ~~Comm 84, and Comm 91~~, Wisconsin Administrative Code, other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.
- (3) Notification for final inspection shall be given in accordance with the requirements of Comm 83-Wisconsin Administrative Code.
- (4) The entire system shall be left completely open until it has been inspected and accepted by the Department as provided in Wisconsin Administrative Code

Comm 83.26(2).

- (5) When a private sewage system is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
- (6) Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the Issuing Agent

#### 13.41 INSPECTIONS - SPECIFIC

- (1) Inspections: Site Constructed Holding Tanks.
  - (a) All site constructed holding tanks shall be inspected after the floor is poured and the keyway and water stop are installed or after the forms for the tank walls have been set but in all instances before any concrete for the walls has been poured.
  - (b) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plans.
  - (c) This inspection shall not eliminate the need for an inspection after the installation has been completed.
- (2) Inspections: Non-Plumbing Sanitary Systems.
  - (a) All non-plumbing sanitary systems installed shall be inspected for compliance with Comm 91, Wisconsin Administrative Code, or as amended, and this ordinance. Non-plumbing sanitary systems serving uses other than one and two family dwellings shall also be inspected for compliance with Comm 52.63, Wisconsin Administrative Code.
  - (b) The property owner shall notify the Department for inspection immediately after the non-plumbing sanitary system has been constructed or installed.
- (3) Inspections: Mounds.
  - (a) The plumber installing the mound shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
  - (b) Mound systems shall be inspected at the time the ground surface is plowed at the time the distribution piping installation has been completed and after all work has been completed.
- (4) Inspections: At-grade.
  - (a) The plumber installing the at-grade shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
  - (b) At-grade systems shall be inspected at the time the ground surface is plowed, at the time the distribution piping installation has been completed and after all work has been completed.
- (5) Inspections: Sand Filters.
  - (a) The plumber installing the sand filter shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
  - (b) Sand filters shall be inspected at the time the liner or tank and underdrain are in place, before placement of any treatment media, at the time the distribution piping installation has been completed and after all work has been completed.
- (6) Experimental Systems and Systems not Recognized by Comm 83.61.
  - (a) The plumber installing the system shall coordinate any required pre-

- 962 construction meeting(s).
- 963 (b) The plumber installing the system shall notify the Department at least two
- 964 (2) workdays prior to beginning the installation of the system to schedule
- 965 the inspection(s) and shall notify the State as may be required by the
- 966 approved plans.
- 967 (c) Inspections shall be done pursuant to the approved plans requirements
- 968 and as deemed necessary by the Department to assure compliance with
- 969 appropriate codes and the plan approval.
- 970

971 **13.42 REINSPECTION.**

972

- 973 (1) A reinspection fee shall be assessed when a reinspection of a private sewage
- 974 system is required because the initial inspection disclosed that the installation is
- 975 incomplete at the scheduled inspection time or does not comply with applicable
- 976 Wisconsin Statutes, Administrative Codes, the approved plans or this ordinance.
- 977 Each additional reinspection required at the site will require a fee.
- 978 (2) The reinspection fee shall be due within ten working days of written notification
- 979 by the Department. Failure to pay this fee within that period shall constitute a
- 980 violation of this ordinance.
- 981

982 **13.43 TESTING**

983

- 984 (1) If testing of new systems or new system components is required by Comm 82, 83
- 985 or 84, Wisconsin Administrative Code, or as a condition of plan approval, notice
- 986 shall be given to the Department as specified in §13.40(3), so that the
- 987 Department may make an inspection during the test.
- 988 (2) The Department shall verify that required testing has been completed, by:
- 989 (a) Performing an inspection during the test,
- 990 (b) Requiring written verification from the responsible person, or
- 991 (d) Both a and b.
- 992

993 **SUBCHAPTER 5**

994

995 **SYSTEM MANAGEMENT AND MAINTENANCE**

996

997 **13.50 MAINTENANCE AND MANAGEMENT**

998

- 999 (1) All private sewage systems and non-plumbing sanitation systems shall be
- 1000 managed and maintained in accordance with Comm 83, 84 and 91, Wisconsin
- 1001 Administrative Code, and this ordinance.
- 1002 (2) The property owner shall report to the Department each inspection, maintenance
- 1003 or servicing event, in accordance with Comm 83, Wisconsin Administrative Code,
- 1004 and this ordinance.
- 1005 (3) The property owner shall submit a copy of an appropriate maintenance
- 1006 agreement and/or servicing contract to the Department prior to sanitary permit
- 1007 issuance.
- 1008 (4) The property owner shall submit a new or revised maintenance agreement
- 1009 and/or servicing contract to the Department whenever there is a change to such
- 1010 document(s).
- 1011 (5) The property owner shall submit a new maintenance agreement and/or servicing
- 1012 contract to the Department prior to expiration of any existing maintenance
- agreement and/or servicing contract.

- (6) In order to satisfy the requirements of Comm 83.54 Oneida County shall continue to cooperate with Lake Protection & Rehabilitation Districts to evaluate, condemn and replace existing failing private sewage systems.
- (7) The applicant for a sanitary permit for a holding tank system shall sign a holding tank agreement with the county in accordance with Comm 83, Wisconsin Administrative Code.

#### 13.51 SEPTIC TANK MAINTENANCE PROGRAM.

- (1) The applicant for a sanitary permit shall be provided with written notice of the maintenance program at the time the sanitary permit is issued. The records of this notification shall be maintained by the Issuing Agent. Upon sale of this property, the owner shall provide written notification of the maintenance program to the buyer.
- (2) All ~~septic tanks~~ POWTS permitted and installed on or after July 1, 1980 shall be visually inspected by a plumber, POWTS inspector or a person licensed under sec. 281.48 Wis. Stats., and pumped within three years of the date of installation and at least once every three years thereafter, unless upon inspection the septic tank is found to have less than 1/3 of the volume occupied by sludge and scum.
- (3) Pumping of a septic tank shall be done by a certified septage servicing operator in accordance with NR 113, Wisconsin Administrative Code.
- (4) Visual inspection of a private sewage system may be conducted by individuals specified in Comm 83.54(4)(d)(2), by a plumber, a person licensed under §281.48, Wisconsin Statutes, or by an authorized County or State employee to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.
- (5) The owner of such septic tank shall furnish the Department with a copy of the inspection report verifying the condition of the tank, whether wastewater or effluent from the POWTS is ponding on the ground surface and the date of pumping within 10 days of the date of inspection and pumping. Reports shall include all information required in Comm 83.55, Wisconsin Administrative Code, and be signed by the person(s) inspecting and pumping the private sewage system. Other maintenance or management reports required by Comm 83 or 84, Wisconsin Administrative Code, should be included with this report.
- (6) If the septic tank is not maintained or inspected in conformance with state regulations, the Zoning Director shall order it to be maintained or pumped by a certified septage servicing operator at County expense. The County shall then invoice the property owner for all such costs incurred. If the invoice is not paid within 30 days, the county may place the amount on the tax roll as a special assessment pursuant to WI State Statutes 145.20(4) against the property in question.

#### 13.52 HOLDING TANK MAINTENANCE AGREEMENT

- (1) ~~The owner of the holding tank shall enter into a Maintenance Agreement with the appropriate city, village or town guaranteeing that the local governmental unit which signed the agreement will service the holding tank, if the owner fails to have the holding tank properly serviced in response to orders issued by the Department. The Maintenance Agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner. The Maintenance Agreement shall be filed with the register of deeds and shall be recorded in a manner which~~

will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.

- (1) The owner of the holding tank shall enter into a Maintenance Agreement with Oneida County before the sanitary permit is issued. The agreement shall be signed on a form provided by the Zoning Director, who shall sign the agreement on behalf of the county. The agreement shall require the applicant to conform to state regulations regarding the maintenance and pumping of the holding tank. If the tank is not maintained and pumped in conformance with state regulations, the Zoning Director shall order it to be maintained or pumped by a certified septage servicing operator, at county expense. The county shall then invoice the property owner for all such costs incurred. If the invoice is not paid within 30 days, the county may place the amount on the tax roll as a special assessment pursuant to WI State Statutes 145.20(4) against the property in question. This Maintenance Agreement shall be filed in the Register of Deeds office and shall be recorded in a manner that will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed. (EFFECTIVE DATE)
- (2) The owner or agent shall submit a copy of the holding tank Maintenance Agreement when plans are submitted to the Department for review.

### 13.53 PROPERTY TRANSFER REQUIREMENTS (EFFECTIVE DATE)

- (1) Property transfers for properties enrolled in the Oneida County POWTS Maintenance Program (Installed after July 1, 1980).
  - (a) Prior to the transfer of property enrolled in the Oneida County POWTS Maintenance Program, the owner shall provide written notification of the maintenance program to the buyer. The notification shall include the date of installation, the type of system, the management plan, the legal description and the county Parcel Identification Number (PIN).
- (2) Property transfers for developed properties not enrolled in the Oneida County Maintenance Program (Installed prior to July 1, 1980).
  - (a) An existing system inspection is required for all property transfers in which a real estate transfer fee is collected and land divisions in which the property contains a structure serviced by a POWTS. A system regulated by the mandatory maintenance program specified in 13.53(1) at the time of division or transfer may be precluded from this section at the discretion of the Zoning Director. An existing system inspection is not required if a letter from the host municipality is submitted to the Zoning Office stating a date by which the structure is required to be connected to a sanitary sewer.
  - (b) To adequately determine whether an existing POWTS is failing under conditions defined in s.145.245(4), Stats., an existing system inspection must include:
    - (1) An observation boring described by a certified soil tester extending 3' below the bottom of the absorption area which is large enough to clearly depict the presence of groundwater, bedrock, or seasonally saturated soils which adversely affect the operation of the system. The Zoning Office may allow use of a previously filed soil test conducted in an area near the failing system to verify soil conditions if deemed reliable by the Zoning Director.
    - (2) A written evaluation of the general condition of the POWTS, by a

Master Plumber, Master Plumber-Restricted Service, POWTS Inspector, or Certified Soil Tester, which explains the presence and condition of all of the following components:

- (a) Inlet and outlet baffles.
- (b) Vents, observation ports.
- (c) High water alarms.
- (d) Treatment tanks including risers and covers.
- (e) Absorption area including ponding, surface discharge.
- (f) Presence of any outfall pipe or connection to a drain tile.
- (g) All applicable setbacks require an accurate site diagram if none exists on file at the Zoning Office.

(3) A county inspection to verify the results of the existing system inspection may be required. Any cost associated with the inspection including, but not limited to backhoe pits or pumping fees are the responsibility of the owner at the time of the inspection.

(4) Existing system inspection reports must be submitted to the Zoning Office on forms obtained from the Zoning Office within thirty days of completion of inspection.

## SUBCHAPTER 6

### ADMINISTRATION AND ENFORCEMENT

#### 13.60 ADMINISTRATION.

The Issuing Agent shall be responsible for the administration of this ordinance. The Issuing Agent may delegate the responsibilities to personnel employed by the Oneida County Planning & Zoning Department and in the case of issuing abatement orders, to the County Health Department.

#### 13.61 POWERS AND DUTIES.

In the administration of this ordinance, the Issuing Agent shall have the following powers and duties:

- (1) Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (2) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.
- (3) Review and approve plans for private sewage systems for one and two family residences or as approved through agent status by the State.
- (4) Issue sanitary permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (5) Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.
- (6) Report violations of this ordinance to the Corporation Counsel.
- (7) Have access to any premises for the purpose of performing official duties between 8 a.m. and 8 p.m. or at other times set by mutual agreement between the property owner or his agent and the Issuing Agent or upon issuance of a special inspection warrant in accordance with §66.122, Wisconsin Statutes.

Application for a sanitary permit is considered for the purposes of this ordinance as the owner's consent to enter the premises.

- (8) Upon reasonable cause or question as to proper compliance, revoke or suspend any sanitary permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a building which is in violation of the provisions of this ordinance, until compliance with this ordinance or applicable Wisconsin Statutes and the Administrative Code is obtained.
- (9) Issue and enforce orders to plumbers, pumpers, property owners, their agents or contractors or the responsible party, to assure proper compliance with all provisions of this ordinance or delegate this authority to the County Health Department.
- (10) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
- ~~(11) Withhold permit(s) or approval(s) pursuant to this ordinance where the applicant, owner or licensed contractor is in violation of this or any ordinance administered by the Department and for any parcel(s) of land which have an outstanding violation until the violation(s) have been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Corporation Counsel and the Planning & Zoning Committee.~~
- (1142) Assess the owner of a private sewage system a special assessment for costs related to pumping of a septic or holding tank as determined to be reasonable and necessary pursuant to Chapter 145, Wisconsin Statutes, specifically including §145.20(4), Wisconsin Statutes, and in the same manner that a village or town makes an assessment under §66.073, Wisconsin Statutes. (Effective February 26, 2006, Resolution #9-2006)
- (1243) Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

#### 13.62 BOARD OF ADJUSTMENT.

Any person who alleges that there is an error in any order, requirement or decision made in the enforcement of this ordinance may appeal to the Oneida County Board of Adjustment as provided in Ch. 17 (Zoning Ordinance) of the General Code. Any appeal shall be made on forms furnished by the Zoning Department within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

#### 13.63 VIOLATIONS AND PENALTIES.

The provisions of this ordinance shall be administered, and enforced by and under the direction of the County Board of Supervisors.

- (1) Investigation and Compliance; Notice of Violation
  - (a) The Department is responsible for conducting the necessary inspection and investigation to insure compliance with this ordinance and, through field notes, photographs and other means, documenting the presence of violations.
  - (b) If, upon investigation, the Department becomes aware of a violation of this ordinance, it shall immediately notify responsible parties and those potentially liable. Such notice shall include a demand that the condition that is alleged to constitute a violation be halted or remedied, and a statement that a complaint



about the condition will be transmitted to the County corporation counsel for prosecution if remedial action has not occurred within 10 days. Responsible parties and those potentially liable shall include but not be limited to the landowner, tenants, and contractors.

(c) If the same or similar violation recurs within a two-year period, whether or not it involves the same property or the same or similar conduct by the owner, agent or contractor, notification of violation may be waived by the Department or corporation counsel and immediate legal action can be commenced to prosecute the violation.

(d) The Department may issue a citation for any violation within the ten-day notification period.

(2) Prosecution, Injunctions, Fines and Forfeitures, Imprisonment.

(a) It shall be the duty of the corporation counsel to expeditiously review all violations of this ordinance reported by the Department or Committee and take action as appropriate.

(b) A forfeiture of not less than \$25, nor more than \$250, plus costs, shall be imposed for each violation of this ordinance.

(c) Upon failure to pay a forfeiture, the violator may be confined in the County jail until such forfeiture is paid, for a period not exceeding six months.

(d) Each day a violation exists or continues shall be considered a separate and distinct offense.

(e) As a substitute for or in addition to forfeiture actions, the corporation counsel may, on behalf of the County, seek enforcement of any and all parts of this ordinance by court actions seeking injunctive orders or restraining orders and/or by pursuing nuisance actions against the violator.

(f) Compliance with this ordinance may be enforced pursuant to sec. 145.20, Wis. Stats.

(3) Violations of Permits Issued Under This Ordinance

Violation of a permit issued under this ordinance shall be deemed a violation of this ordinance and shall constitute grounds for revocation of the permit, as well as fines and forfeitures and any other available remedies. Any person who has applied for and received a permit and begins work on the project authorized by the permit acknowledges that they have read, understand, and agree to follow all conditions and requirements of the permit.

(4) Revocation of Permits

The Committee shall retain continuing jurisdiction over all activities authorized by the permit for the purpose of assuring compliance with this ordinance and other ordinances and the terms of the permit. Such authority shall be in addition to the enforcement authority of the Zoning Director. Upon written complaint by any citizen, the Zoning Director, any other official, the Committee shall hold a public hearing to consider amending, suspending or revoking the permit. Notice of the hearing and alleged violation shall be served upon the property owner and permit holder either in person or via certified mail to the address provided on the permit application form or otherwise provided to the Department a minimum of 72 hours prior to conducting the public hearing. The notice shall contain the date, time and place of the hearing, a description of the property, a description of the activity authorized by the permit, and a statement of the alleged violation(s).

Notice shall also be published as a class 2 notice. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Committee at its sole discretion may hold additional public hearings. If the Committee finds after the hearing that the permit holder is not in compliance with the terms of the permit, it may amend, suspend or revoke the permit. The decision of the Committee shall be furnished to the permit holder in writing, stating the reasons therefor.

(5) Permit Issued in Violation of This Ordinance

A permit issued in violation of this ordinance, the Wisconsin Administrative Code or the Wisconsin Statutes, gives the permit holder no vested right to continue the activity authorized by the permit, and the permit is considered voidable.

(6) Any construction which is in violation of this ordinance shall cease upon written orders from the Issuing Agent or the placement of a notification of violation at the site. A notification of violation shall state the following:

- (a) POWTS Inspector's name and telephone number.
- (b) Time and date of violation notice.
- (c) List of code section within Chapter 13 or Wisconsin Administrative Code chapters Comm 82- through Comm 85 that was violated.

(7) All construction shall remain stopped until the order is released by the Issuing Agent.

**NOW THEREFORE, BE IT RESOLVED**, that the Oneida County Board of Supervisors hereby accepts and approves Petition #01-2005 and ordains as follows:

Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict with this ordinance shall be and are hereby are repealed as far as any conflict exists.

Section 2: If any claims, provisions, or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 3: Chapter 13, Ordinance Amendment #01-2005 is hereby adopted amending the Oneida County Zoning District Boundary Map by changing the zoning district classification on the property as follows:

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #01-2005 by the Oneida County Board of Supervisors, cause a copy thereof to be transmitted by certified mail all the Town Clerks and Ordinance Amendment #01-2005, except Section 13.53, shall become effective immediately upon passage and publication as provided by law. Section 13.53 shall be effective September 30, 2006.

Approved by the Planning & Zoning Committee this 3<sup>rd</sup> day of May 2006.

Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ 3/4 Majority = \_\_\_\_\_

The County Board has the legal authority to adopt: Yes \_\_\_\_\_ No \_\_\_\_\_ as reviewed by the Corporation Counsel, \_\_\_\_\_, Date: \_\_\_\_\_

Offered and passage moved by:

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

Seconded by: \_\_\_\_\_

\_\_\_\_\_ Ayes

\_\_\_\_\_ Nays

\_\_\_\_\_ Absent

\_\_\_\_\_ Abstain

\_\_\_\_\_ Adopted

by the County Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_ 2006.

\_\_\_\_\_ Defeated

\_\_\_\_\_  
Robert Bruso, Clerk

\_\_\_\_\_  
Andrew P. Smith, County Board Chair